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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Peter E. DAVIS et al.
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37 C.F.R. 1.131 DECLARATION

I, each and every one of the undersigned inventors of the above-referenced patent application, hereby declare the following:

- 1) The pending claims of our above identified patent invention were rejected under 35 U.S.C. § 103(a) based on the prior art of Kutay et al., (U.S. Pat. Pub. No. 2002/0028461 A1) with a filing date of June 5, 2001 and claiming priority to provisional application No. 60/209,713, filed on June 5, 2000.
- 2) The invention described in the above-referenced patent application was reduced to a writing prior to the June 5, 2000 priority date of Kutay et al. In particular, *Franklin Content Management Prototype* documentation, upon which the above referenced patent application was based, is attached herewith. The documentation is a comprehensive specification and installation of the inventive system (see the table of contents of this document for the full detail) created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention. It includes everything from an Installation guide, configuration, setup of the DB and a Franklin workspace for content management, setting up of users, roles, and includes code snippets of communication between components and error codes.
- 3) Additionally, the invention described in the above-referenced patent application was reduced to actual practice prior to the June 5, 2000 priority date of Kutay et al. Proof of actual reduction to practice upon which the presently claimed invention was based is attached herewith and will be described in detail below.
- 4) Submitted herewith as evidence of actual reduction to practice prior to the June 5, 2000 priority date of Kutay et al. is:
 - a) Assignments passed out to users prior to the June 5, 2000 priority date of Kutay et al. to test users who were evaluating the integration between two systems: the present invention and "Kittyhawk" prior to the June 5, 2000 priority date of Kutay et al. The scenarios ask users to do different actions in the present invention's UI, which would show that there was a running

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system that could support users prior to the June 5, 2000 priority date of Kutay et al. The document describes the integration of the two systems, and shows the request/responses part of the communication between the two systems.

- b) A copy of a State chart of the invention's DB with each possible state of a fragment when stored in the invention's DB. The State chart was created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrates features of the presently claimed invention.
- c) Copies of HTML pages created by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention. The HTML pages describe to users how to install the inventive client and issue commands to manage documents, such as Check in, Check out, review, publish and describes the fragment/servable relationship to users.
- d) A synthesis of all feedback from a user acceptance testing of the invention, run prior to the June 5, 2000 priority date of Kutay et al. It includes a list of things users liked and did not like, which evidences that users were using the running end-to-end inventive system with features of the presently claimed invention prior to the June 5, 2000 priority date of Kutay et al.
- e) A copy of brief notes identified during a code review of the invention's server code made prior to the June 5, 2000 priority date of Kutay et al.
- f) An email correspondence to persons other than the inventors of the present invention, listing the internet address for accessing, and instructions on how to use, the working prototype system created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention.
- g) An email correspondence with reviewer feedback on the working prototype system created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention.
- h) Copies of several screenshots of the working prototype system created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and demonstrating features of the presently claimed invention. These screenshots show lists of XML documents having content objects and content fragments which are named and linked through the entry fields.
- i) A copy of a section of the source code file that was created and used by the inventors prior to the June 5, 2000 priority date of Kutay et al. and that implemented part of a working prototype system that performed features of the presently claimed invention.

We, the undersigned, declare all of the above statements are made on our own knowledge, the above statements are true and correct, and the above statements are

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made on information that we believe to be true. We understand that false statements or concealment in obtaining a patent will subject us to fine and/or imprisonment or both (18 U.S.C. §1001) and may jeopardize the validity of the above identified patent application or any application issuing therefrom.

Peter E. DAVIS

April __, 2005

Jeffrey MILTON

April __, 2005

Sara ELO DEAN

April __, 2005

Louis WEITZMAN

April 11, 2005

Dikran S. MELIKSETIAN

April __, 2005

Nianjun ZHOU

April __, 2005